

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: SHIRASAWA, *et al.*

Docket. No.: 2352.001

Serial No.: 10/720,431

Group Art No.: 1633

Filed: November 24, 2003

Examiner: Priebe, Scott David

Title: PHARMACEUTICAL COMPOSITION FOR ALLEVIATING TISSUE HYPOXIA  
AND METHOD FOR ALLEVIATING TISSUE HYPOXIA

CERTIFICATE OF MAILING

*I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 13, 2005.*



Kathy Smith Dias, Esq  
Registration No. 41,707  
Attorney for Applicants

Date of Signature: December 13, 2005

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. § 1.142

Dear Sir:

This paper is filed in response to the Office Action mailed on October 13, 2005, in connection with the above-identified U.S. patent application. In light of a request for a one-month extension of time and fee therefor enclosed herewith, a response is due by December 13, 2005; therefore, this response is timely filed.

Claims 1-13 were presented at the time of filing and are currently pending in the application. The Action of October 13, 2005 requires election under 35 U.S.C. §121 among three groups of claims:

Group I (claims 1-12) (as directed to part (i) of claims 1-3, 5, 7, 9, and 11) are drawn to a method of treating a subject by administration of Titusville mutant  $\alpha$ -globin protein, classified in class 514, subclass 2;


Group II (claims 1-11) (as directed to parts (ii) & (iii) of claims 1-3, 5, 7, 9, and 11), are drawn to a method of treating a subject by administration of a nucleic acid encoding Titusville mutant  $\alpha$ -globin protein, classified in class 514, subclass 44; and

Group III (claim 13) drawn to a transgenic non-human animal comprising a nucleic acid encoding Titusville mutant  $\alpha$ -globin protein, classified in class 800, subclass 13.

Applicants hereby elect the claims of Group I (claims 1-12). The election is made without traverse and without prejudice to Applicants' rights to pursue the subject matter of the non-elected claim in an additional application.

The Examiner is invited to contact Applicants' Attorney at the telephone number given below if any further questions arise in connection with this Application.

Respectfully submitted,

  
Kathy Smith Dias  
Attorney for Applicants  
Registration No. 41,707

Dated: December 13, 2005  
Send correspondence to:  
Kathy Smith Dias, Esq.  
**HESLIN ROTHENBERG FARLEY & MESITI P.C.**  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579